

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

JAIME VIAL, as representative of the heirs  
of Rene Correa Borquez and on behalf of  
other persons similarly situated,

Plaintiff,

v.

BRENDA MAYRACK, in her individual  
capacity and official capacity as Director of the  
Office of Unclaimed Property of the State of  
Delaware; BRIAN WISHNOW, in his official  
capacity as the Assistant Director Enforcement  
of the Office of Unclaimed Property; and  
RICHARD J. GEISENBERGER, in his official  
capacity as the Secretary of Finance for the  
State of Delaware, and COLLEEN C. DAVIS,  
in her official capacity as the Treasurer for the  
State of Delaware,

Defendants.

Case No.: 1:24-cv-01313-MN

**DECLARATION OF EXPERT WITNESS JAN PETERS IN SUPPORT OF  
PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

Andrew C. Dalton, Esq.  
DE Bar No: 5878  
DALTON & ASSOCIATES, P.A.  
1106 West Tenth Street  
Wilmington, DE 19806  
Telephone: (302) 652-2050  
Email: adalton@dalton.law

William W. Palmer, Esq.  
(*Pro Hac Vice motion pending*)  
PALMER LAW GROUP, PLC  
2443 Fair Oaks Boulevard, No. 545  
Sacramento, CA 95825  
Telephone: (916) 972-0761  
Email: wpalmer@palmercorp.com

Jonathan S. Massey  
(*Pro Hac Vice motion pending*)  
Bret R. Vallacher  
(*Pro Hac Vice motion pending*)  
Matthew E. Layden  
(*Pro Hac Vice motion pending*)  
MASSEY & GAIL LLP  
1000 Maine Avenue SW  
Suite 450  
Washington, D.C. 20024  
Telephone: (202) 652-4511  
Email: jmassey@masseygail.com  
bvallacher@masseygail.com  
mlayden@masseygail.com

*Attorneys for Plaintiff and Class Members*

I, Jan Peters, declare as follows:

1. I make this Declaration in support of Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction. The facts set forth in this Declaration are of my own personal knowledge, and if called as a witness, I could and would testify competently as to their truth.

2. I am an expert in the technical area of Information Technology. From 2000 to June 2010, I was a Senior Software Development Engineer and Senior Business Development Specialist at Amazon's German subsidiary, Amazon.de. In these roles, I functioned as a professional Information Technology ("IT") specialist, including working to integrate and utilize search engines like Amazon S3 or Google Search into hundreds of online shops I have launched or consulted since 2000. Since the middle of 2010, I have been serving as Senior eCommerce IT Specialist at BMW Global. In that role, I developed, maintained, and operated 90% of all online sales platforms of BMW, MINI, Rolls Royce and BMW Motorrad, always exploring and utilizing most actual search engine technologies and underlying data engineering to optimize the achievement of challenging sales targets. Based on my vast experience working with websites, I offer the following observations and opinions.

3. I have visited the Delaware Unclaimed Property website:

<https://unclaimedproperty.delaware.gov/>

This website is plagued by many easily-remedied deficiencies that make it more difficult (or impossible) to locate unclaimed property.

4. The below is a representative screenshot searching for the name of the Honorable Judge in this case "Maryellen Noreika," as an example:

The screenshot shows the 'CLAIM UNCLAIMED PROPERTY' website. The main heading is 'Search for Unclaimed Property'. Below this, there is a 'SEARCH' section with instructions: 'To search for property, enter an individual name or business name; no specific order is required when entering the information (last name, first name, business name, etc.). To help narrow your search results, enter a city or zip code.' There are input fields for 'Name or Business Name' (containing 'Maryellen Noreika'), 'City', and 'Property ID'. A 'SEARCH' button is at the bottom right. On the left, there is a 'Select an Action' area with instructions on how to file a claim.

5. This search yields 112 unclaimed properties, which contain either “Maryellen” or “Noreika.”

**RESULTS** Your search returned 112 unclaimed properties.  
Exact name matches will be shown first, followed by properties with similar names to the one entered.

Display: 20 results

First Previous 1 2 3 4 5 Next Last

To file a claim for properties on this list, click the CLAIM button next to those properties. Next click on the CONTINUE TO FILE CLAIM button.

Select an Action	Owner Name	City	State	Reported By	Amount
CLAIM	KOSTAS NOREIKA	VILNIUS	LI	E TRADE FINANCIAL CORP	UNDER \$50
CLAIM	NOREIKA JOHN J	RIDGEFIELD PARK	ZZ	TRAVELERS CASUALTY AND SURETY CO	OVER \$50
CLAIM	NOREIKA JOHN J	RIDGEFIELD PARK	ZZ	TRAVELERS CASUALTY AND SURETY CO	UNDER \$50
CLAIM	AYLMER MARYELLEN	WILMINGTON	DE	PEPCO HOLDINGS INC COMMON DRP	UNDER \$50
CLAIM	BOYER MARYELLEN	NEWARK	DE	DVM INSURANCE AGENCY INC	UNDER \$50
CLAIM	BUKOWSKI MARYELLEN	BEAR	DE	WALT DISNEY COMPANY & AFFILIATES	UNDER \$50
CLAIM	CARBAUGH MARYELLEN	DOVER	DE	SHC PROMOTIONS LLC	UNDER \$50
CLAIM	CLARK MARYELLEN	SAINT GEORGES	DE	PEPSI COLA NORTH AMERICA PCNA	UNDER \$50
CLAIM	DEWALD MARYELLEN	WILMINGTON	DE	COLDWATER CREEK US INC	UNDER \$50
CLAIM	DEWALD MARYELLEN	WILMINGTON	DE	COLDWATER CREEK US INC	UNDER \$50

6. This result is because the search algorithm does a full text search and considers any string given to it. It does not allow any narrowing or tuning of the search—such as searching for an exact match by using quotation marks around the full name. This website is primitive. With regular modern search engines one could force the search to combine strings, simply by putting it in quotation

marks or combining both with a + (so both strings must be present). Regular search engines also would exclude strings by putting a simple dash (“-”) right before the to-be-excluded string. For example, inputting “Peters -Peterson” would search for Peters, but exclude any Peterson from the result. This would allow it to narrow down any search tremendously. However, the form used by the State of Delaware does not allow one to input a quotation mark, a plus sign, or a minus sign into the search field. Without this, the search result even of that not very common name becomes inoperable for most users.

The screenshot shows the "CLAIM UNCLAIMED PROPERTY" website with the "Search for Unclaimed Property" form. The search field contains the text "Maryellen Noreika". An orange error box on the right side of the form states: "Invalid Characters: Please only enter letters, numbers, ( ), { & }, { }, { }, { }, { }, and { }." The form also includes a "SEARCH" button and various instructions for users.

**CLAIM UNCLAIMED PROPERTY**

**Search for Unclaimed Property**

**SEARCH** ?

To search for property, enter an individual name or business name; no specific order is required when entering the information (last name, first name, business name, etc.). To help narrow your search results, enter a city or zip code.

Select (or remove) all properties you wish to claim by clicking the appropriate choice under the "Select an Action" area. Once all properties you wish to claim have been selected, click on "Continue To File Claim" to continue initiating your claim.

Please note, you will receive an actual claim number upon completing the claims initiating process. If you do not receive a claim number, you have not completed the online process necessary for our agency to review your request.

You may also initiate a new search for property reported under a different name that may be owed to you.

Click [HERE](#) if you are attempting to claim Gift Cards, Gift Certificates, Money Orders, Cashier's Checks, or if your name search results are not what you expected.

To search for property held by other states, visit [MissingMoney.com](#).

If you have any questions or concerns regarding the privacy of your information or the legitimacy of this website, please see our [Privacy Information](#) page.

**Name or Business Name:** "Maryellen Noreika" ⓘ

**Narrow your search with the following fields:**

City:

Property ID:

**SEARCH**

**Invalid Characters:**  
Please only enter letters, numbers, ( ), { & }, { }, { }, { }, { }, and { }.

The screenshot shows the 'CLAIM UNCLAIMED PROPERTY' section of the Delaware Unclaimed Property website. The main heading is 'Search for Unclaimed Property'. On the left, there is a 'SEARCH' section with instructions: 'To search for property, enter an individual name or business name; no specific order is required when entering the information (last name, first name, business name, etc.). To help narrow your search results, enter a city or zip code.' It also includes a note about receiving a claim number and a link to 'Continue To File Claim'. On the right, there is a search form with a 'Name or Business Name' field containing 'Maryellen+Noreika', a 'City' field, and a 'Property ID' field. A blue 'SEARCH' button is at the bottom. An orange warning box on the right states: 'Invalid Characters: Please only enter letters, numbers, ( ), ( & ), ( - ), ( / ), and ( - ).' The Delaware Unclaimed Property logo is in the top right corner.

7. Nor does the Delaware website sort the results in an intelligent way, for example sorting the data received from the search by best result, which would cause a 100% match to appear first. Here, the list is sorted completely randomly, which includes matches for either “Maryellen” or “Noreika” in any appearance (last/middle/first name)—burying results in noise and rendering property holders less able to sift through results to find their name.

8. Based on my experience working on websites, the result order is very likely dependent on the search process—i.e., how the software script runs through the database—rather than any logical order.

9. This problem grows exponentially with more common names. In fact, it appears that the website’s database is limited to 1000 results when the name is common—and does even list all of the properties beyond 1000. For example, searching for “John Smith” or “Mark Johnson” or simply “Mary” all yielded exactly 1000 results. There are clearly more than 1000 results found for these common researches, but the cap is limited to 1000.

**CLAIM UNCLAIMED PROPERTY** Delaware Unclaimed Property

### Search for Unclaimed Property

**SEARCH**

To search for property, enter an individual name or business name; no specific order is required when entering the information (last name, first name, business name, etc.). To help narrow your search results, enter a city or zip code.

Select (or remove) all properties you wish to claim by clicking the appropriate choice under the "Select an Action" area. Once all properties you wish to claim have been selected, click on "Continue To File Claim" to continue initiating your claim.

Please note, you will receive an actual claim number upon completing the claims initiating process. If you do not receive a claim number, you have not completed the online process necessary for our agency to review your request.

You may also initiate a new search for property reported under a different name that may be owed to you.

Click [HERE](#) if you are attempting to claim Gift Cards, Gift Certificates, Money Orders, Cashier's Checks, or if your name search results are not what you expected.

To search for property held by other states, visit [MissingMoney.com](#).

If you have any questions or concerns regarding the privacy of your information or the legitimacy of this website, please see our [Privacy Information](#) page.

**RESULTS** Your search returned 1000 unclaimed properties.  
Exact name matches will be shown first, followed by properties with similar names to the one entered.

**Name or Business Name:** John Smith

Narrow your search with the following fields:

City:

Property ID:

**SEARCH**

**CONTINUE TO FILE CLAIM(S)**

**CLAIM UNCLAIMED PROPERTY** Delaware Unclaimed Property

### Search for Unclaimed Property

**SEARCH**

To search for property, enter an individual name or business name; no specific order is required when entering the information (last name, first name, business name, etc.). To help narrow your search results, enter a city or zip code.

Select (or remove) all properties you wish to claim by clicking the appropriate choice under the "Select an Action" area. Once all properties you wish to claim have been selected, click on "Continue To File Claim" to continue initiating your claim.

Please note, you will receive an actual claim number upon completing the claims initiating process. If you do not receive a claim number, you have not completed the online process necessary for our agency to review your request.

You may also initiate a new search for property reported under a different name that may be owed to you.

Click [HERE](#) if you are attempting to claim Gift Cards, Gift Certificates, Money Orders, Cashier's Checks, or if your name search results are not what you expected.

To search for property held by other states, visit [MissingMoney.com](#).

If you have any questions or concerns regarding the privacy of your information or the legitimacy of this website, please see our [Privacy Information](#) page.

**RESULTS** Your search returned 1000 unclaimed properties.  
Exact name matches will be shown first, followed by properties with similar names to the one entered.

**Name or Business Name:** Mark Johnson

Narrow your search with the following fields:

City:

Property ID:

**SEARCH**

**CONTINUE TO FILE CLAIM(S)**

**CLAIM UNCLAIMED PROPERTY** Delaware Unclaimed Property

### Search for Unclaimed Property

**SEARCH**

To search for property, enter an individual name or business name; no specific order is required when entering the information (last name, first name, business name, etc.). To help narrow your search results, enter a city or zip code.

Select (or remove) all properties you wish to claim by clicking the appropriate choice under the "Select an Action" area. Once all properties you wish to claim have been selected, click on "Continue To File Claim" to continue initiating your claim.

Please note, you will receive an actual claim number upon completing the claims initiating process. If you do not receive a claim number, you have not completed the online process necessary for our agency to review your request.

You may also initiate a new search for property reported under a different name that may be owed to you.

Click [HERE](#) if you are attempting to claim Gift Cards, Gift Certificates, Money Orders, Cashier's Checks, or if your name search results are not what you expected.

To search for property held by other states, visit [MissingMoney.com](#).

If you have any questions or concerns regarding the privacy of your information or the legitimacy of this website, please see our [Privacy Information](#) page.

**RESULTS** Your search returned 1000 unclaimed properties.  
Exact name matches will be shown first, followed by properties with similar names to the one entered.

**Name or Business Name:** Mary

Narrow your search with the following fields:

City:

Property ID:

**SEARCH**

**CONTINUE TO FILE CLAIM(S)**

10. Accordingly—unless by sheer coincidence all of these names yield exactly 1000 properties—some seized properties go completely unlisted and will never be found.

11. Furthermore, German Umlauts such as ü/ä/ö are forbidden from being entered into the search field. As a result, for example, a user does not have the opportunity to narrow the search, by entering cities such as “München” in the city field.

**Narrow your search with the following fields:**

City:  ❗

Property ID:

**Invalid Characters:**  
 Please only enter letters, numbers, ( ' ), and ( - ).

12. Even beyond the search problems, the results themselves do not enable an owner to ensure that the property referenced is actually theirs.

13. When searching for one's property, the only fields listed include the "owner name," "city," "state," "reported by," and "amount."

To file a claim for properties on this list, click the CLAIM button next to those properties. Next click on the CONTINUE TO FILE CLAIM button.

Select an Action	Owner Name	City	State	Reported By	Amount
<a href="#">CLAIM</a>	MARK SMITH			UNITED PARCEL SERVICE INC	UNDER \$50
<a href="#">CLAIM</a>	MARK SMITH			UNITED PARCEL SERVICE INC	UNDER \$50
<a href="#">CLAIM</a>	MARK SMITH			C C OUTLET INC	UNDER \$50
<a href="#">CLAIM</a>	MARK SMITH	WARWICKSHIRE CV230AS		UNITED AIRLINES INC	OVER \$50
<a href="#">CLAIM</a>	MARK SMITH	UNITED KINGDOM	FO	THE KRAFT HEINZ COMPANY	UNDER \$50
<a href="#">CLAIM</a>	MARK SMITH	NULL	DE	WEPAY, INC	UNDER \$50
<a href="#">CLAIM</a>	MARK SMITH	EDINBURGH	ED	E TRADE FINANCIAL CORP	UNDER \$50
<a href="#">CLAIM</a>	MARK SMITH	BAULKHAM HILLS		CLICK SALES INC	OVER \$50
<a href="#">CLAIM</a>	MARK SMITH	WILMINGTON	DE	WESTERN DIGITAL CORPORATION	UNDER \$50
<a href="#">CLAIM</a>	MARK SMITH			VERIZON COMMUNICATIONS INC	UNDER \$50
<a href="#">CLAIM</a>	MARK SMITH	PORT STANLEY	DE	GOOGLE INC	OVER \$50

14. Delaware does not include address information for individuals whose property it holds, even though the Delaware knows the addresses for all of its residents through, among other things, income tax records and Department of Motor Vehicle records.

15. Moreover, the website does not contain *any* address field whatsoever—even the last known address—to allow the individual to confirm that it is in fact his/her property.



16. Delaware's website does not contain a description of the property to allow the individual to confirm that it is in fact his/her property. Such a description would also help the individual determine what exactly was taken.

17. Delaware's website does not provide dates of when the property was taken, which would also assist the individual determine what exactly was taken.

18. Despite including a field titled "amount," it does not actually provide the value of the property, except to note whether it is above or below \$50.

19. Based on my advanced understanding of websites, adding these fields would not be difficult or at all burdensome. And adding these fields would assist individuals in determining whether they actually had property escheated to the state.

20. Moreover, to the best of my knowledge the contents of the database are not available on search engines (such as Google). Allowing for the database to be crawled by search engines would also not be difficult—and would allow individuals to locate their seized property more easily.

21. I also ran another search. The below is a representative screenshot searching for the name of opposing counsel Arthur G. Connolly III in this case "Arthur Connolly" as an example.



CLAIM	ARTHUR G CONNOLLY	WILMINGTON	DE	CLUBCORP CLUB OPERATIONS, INC.	OVER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	ANCHOR PACIFIC UNDERWRITERS INC	OVER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	METLIFE INC	UNDER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	METLIFE INC	UNDER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	WASTE MANAGEMENT HOLDINGS INC	UNDER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	METLIFE INC	UNDER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	METLIFE INC	UNDER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	METLIFE INC	OVER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	UNITED MERIDIAN CORP.	OVER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	ANCHOR PACIFIC UNDERWRITERS INC	OVER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	METLIFE INC	OVER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	METLIFE INC	OVER \$50
CLAIM	CONNOLLY ARTHUR G	WILMINGTON	DE	METLIFE INC	OVER \$50
CLAIM	CONNOLLY ARTHUR G III	WILMINGTON	DE	CHUBB GROUP OF INSURANCE COMPANIES	UNDER \$50

22. In sum, this primitive website conveys no notice to property owners and though it could be updated and corrected, it is seriously flawed and largely inoperable. Objectively, it is not an example of a government actually wishing to return property to its owner.

I declare under penalty of perjury under the laws of the State of Delaware that the foregoing is true and correct. Executed on December 20, 2024 at Munich, Germany.

  
 Jan Peters